

Would Bar Women Jurors To Prevent Mixing Races

Sat. 4-19-47

By JOHN LAFLORE

MOBILE, Ala. — White women who have pushed their demands for jury service to a hearing before a state legislative judiciary committee were last week presented with the scare-crow of Jim Crow, in an effort to change their minds.

Eminent so-called friend of Negroes Circuit Judge David H. Edgington opposed the idea, listing what he termed unfavorable conditions for women jurors.

Because courtroom facilities he feels are inadequate to accommodate both sexes, the judge said sensitive, cultured women serving on juries in criminal cases would be subjected to profane and obscene testimony, especially in cases involving rape, sodomy, and similar offenses.

Negro men sometimes serve on juries, which would "not be a happy condition," the judge warned. Reversing the race angle, he said things would be just as bad if there happened to be Negro women on the same juries with white men. Cases where juries are not allowed to separate present the possibility of an interracial nightmare to the judge.

After stating his objections, Judge Edgington said there is no question of the capabilities of women to serve in the government; it's just that there are enough eligible men to do the job. Sat. 4-19-47

He said he hopes that both men and women consider his list of objections before they seek legislation that would subject them to these "conditions."

Negro to Serve on
Ala. Grand Jury
Pittsburgh, Pa.
Sat. 11-16-47

ANNISTON, Ala. — For the first time in the history of the County a Negro is serving on the newly organized Calhoun County Grand Jury. He is I. V. Knox of Eastaboga, Route 1, who was selected when the panel was drawn last week. It is customary to place Negroes' names in the jury box, but until the last week none had ever been chosen to serve.

Looby Aids Defense

Negroes on Jury First Time in Pine Bluff

Pittsburgh, Pa. Courier

25 Sat. 4-12-47

PINE BLUFF, Ark.—Negroes will serve on the jury here for the first time in history during the trial of two brothers, Willie Wilkerson, 31, and Albert, 19, charged with the slaying of Deputy Sheriff George C. Bryant and C. W. Winston of Altheimer last February.

Circuit Judge T. G. Parham last engaged her to take him home. Her week quashed a twenty-six-man body was found beside a lonely white jury panel upon motion road. The next day a posse cap of Defense Attorney W. Harold Flowers in a swamp nearby.

Flowers on the ground that no Negroes were among the jury mem-

bers. Supporting the attorney, both the sheriff of Jefferson County and the Circuit Court clerk testified. Sheriff Garland Brawner testified that during his twenty-one years in office, Negroes had not served as jurors. Circuit Clerk M. V. Mead testified that in his six years none had served.

FOURTEEN COLORED VENIREMEN

On the new panel, fourteen colored veniremen were among the thirty-four called. Eight were of the special jury panel sworn in on Monday, March 31. Sixteen were white. Of ten extra men available, five are Negroes. The trial was postponed on March 31 due to illness of M. L. Reinberger, Pine Bluff attorney assisting the defense.

With Attorney Flowers during the case Monday was Attorney Z. Alexander Looby, who had come by plane from Nashville to assist in the case. A retrial in the murder hearing for the Wilkerson brothers was set for April 14.

In a move to be fair to both races, Judge Parham has reserved half the courtroom for Negroes and half for whites. Negroes outnumber whites in this city and throughout Jefferson County.

Mixed Arkansas Jury Denies Death Penalty

Forrest City, Ark.—(ANP)—A bi-racial jury, unusual for this section and consisting of 10 white men and two Negro men, one a houseboy and the other a farmer, condemned Lawrence Willie Dukes, 31, to death in the electric chair after only seven minutes deliberation.

Dukes, a Negro, pleaded guilty to a charge of first degree murder at the opening of his trial.

According to the testimony, Dukes criminally assaulted and slashed to death Mrs. Ethel Ellis Boyd, 35-year-old taxicab operator, on the night of May 21, after he engaged her to take him home.

Her body was found beside a lonely road. The next day a posse captured Dukes in a swamp nearby.

Mixed Jury Condemns Killer in 7 Minutes

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Judge Davis S. Plummer set Aug. 1, as the date of the execution.

Mixed Jury Denies Plea For First Degree Verdict

Chicago, Ill. Sat. 4-26-47

PINE BLUFF, Ark.—The first mixed jury in Jefferson County in 50 years last week refused a first-degree murder verdict against Albert and Willie Wilkerson, charged here in the highway shooting to death of two white men, one of them a law officer.

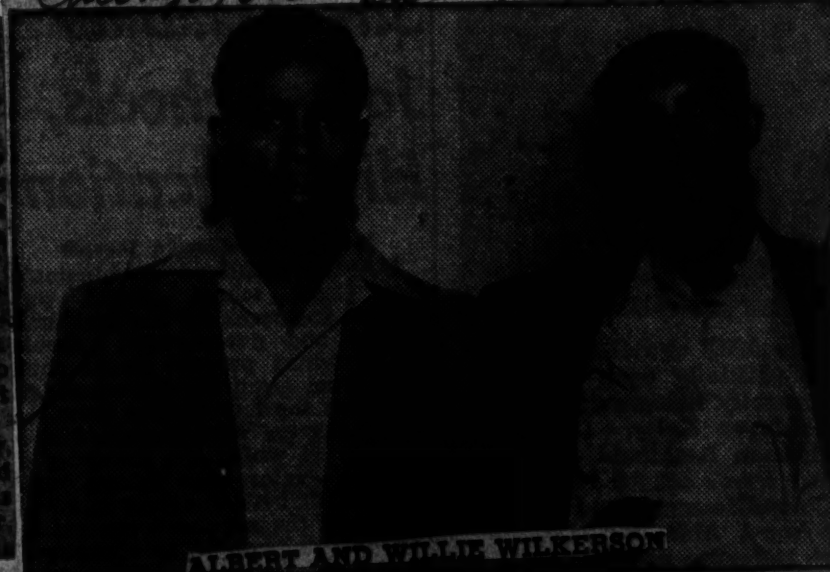
The 12 men, including U. S. Brown, local funeral director, only one of 11 colored veniremen acceptable to the white prosecutors, found Willie guilty of second-degree murder and left his sentence to the discretion of the fair-minded Judge T. G. Parham. The maximum penalty is 20 years and the minimum five.

Albert, driver of the car in which the two were riding when accosted by the two white men, was found guilty of voluntary manslaughter and sentenced to two years in the penitentiary. Parham allowed Atty.

W. Harold Flowers ten days in which to file motion for retrial. Assisting Flowers for the defense was Dr. Alexander Looby.

Two so-called "witnesses for the state," both Negroes, repudiated statements made in the office of the district attorney after the highway shooting in which the two whites were killed and Albert Wilkerson wounded, and threw prosecuting attorneys into great confusion by persisting in their courtroom assertions that the white men had fired first upon the accused.

The mixed jury grew out of insistence of Flowers and the unprejudiced concurrence of Parham, who threw out an all-white panel and called for Negro veniremen. Carefully policed, the trial proceeded as Parham had promised, completely without incident of rowdiness. Half of the courtroom was served for colored observers, and this section was crowded constantly.



ALBERT AND WILLIE WILKERSON



*Chicago Defender - Chicago, Ill.
Sat. 5-10-47*

FOR THE FIRST time in history the two races sat side by side in the jury box in the Circuit Court of Jefferson county in Pine Bluff, Ark. Here they are in front of the courthouse after hearing a murder case. As jurors and at lunch, no planned seating was arranged. Left to right: L. A. Davis, George Keeley, H. T. Allcott, H. L. Leftwich, Harry Correll, Clifford Davis, (foreman), W. S. Boaz, Brooks Henslee, Clarence Roberts Jr., E. D. Peebles, M. E. Moore Sr., J. C. Kahn, and Deputy Sheriff Henry Allbright. Pleasant conversations and good-natured banter characterized their association.—Adams photos.

THE BEST LAID PLANS... *23 ac*

A Federal jury, which included four colored persons, found ex-Congressman Andrew J. May and Henry and Murray Garsson guilty in the war fraud trial in Washington last week. *Afro-American - Baltimore Md.*

One of the May-Garsson attorneys was Perry Howard, well-known Washington lawyer. Mr. Howard raised the question of race prejudice. *Sat. 7-19-47*

It was said that the Garssons were being prosecuted because they were Jews; that a Federal bureau denied them contracts because they were Jews, and finally that ex-Congressman May acted for the Garssons because the Kentucky natives would not work for a firm had they known that the owners were "out-of-State Jews."

The selection of jurors for important cases is done with a great deal of care in District of Columbia courts. There is no discrimination in calling up names for a panel, and since colored people represent one third of the District's population, nearly one third of all jurors are colored.

Sometimes lawyers have to utilize all of their challenges in order to get an all-white jury. *Sat. 7-19-47*

In this case there were not enough challenges to do it, nor was it desirable, inasmuch as the defense had decided to bring up the question of race discrimination towards which colored jurors would likely be sympathetic.

If that was the angle, it didn't work, which is another evidence of the fact that sometimes you can guess what a jury is going to do and sometimes you can't.

The Best Laid Plans *23* sometimes you can guess what a jury is going to do and sometimes you can't.

From Afro-American *Journal + Guide*

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25 1947

Florida

Jacksonville, Fla. Times-Union
March 18, 1947

Orange Court Has First Negro Juror

ORLANDO, March 18. (UP)—
S. M. Smalle Jr., of Apopka, today
became the first negro to serve on
a jury in an Orange County Court.
Smalle was a member of a Crimi-
nal Court jury which found a
white youth not guilty of a drunk-
en driving charge. The youth
pleaded his own case and declined
to use his challenges by which he
could have dismissed Smalle and
two other jurors.

Judge W. M. Murphy pointed out
that many negroes had been called
up for jury duty in the past but
had asked to be excused or had
been dismissed by attorneys.

The Negro Ministerial Union re-
cently urged members of their race

to serve in court, especially in cases
involving negroes.

HAROLD L. ICKES

Atlanta, Ga. Constitution

They Played on Prejudice

Thurs. 5-29-47

This is a story of two juries—one in the District of Columbia and the other in South Carolina. The first contained nine Negroes, the other consisted of all whites.

The South Carolina jury, the white one, heard the case of 28 taxicab drivers, all of them whites, accused of participating in the brutal lynching of a Negro who they suspected had murdered another cab driver.

The jurymen also heard an impassioned plea from the defense attorneys—a plea slyly and subtly saturated with race hate. They heard the defense attorney tell them that they should rebuke the Northerners who had taken an interest in the case.

Judge J. Robert Martin, Jr., who is a credit to his profession and to the bench, did everything in his power to keep the racial issue out. But the defense counsel continually played with the fire of race prejudice.

THE DEFENSE cited Northern publications and radio commentators to support its accusation that the accused were victims of the incurable malady of "meddler's itch." One of the defense attorneys asked the jury to recall "That the North never sympathizes with us, always criticizes us, ever since they laid waste to our land and burned every piece of Southern property."

This South Carolina jury with its 12 white members deliberated for five hours and found not a single defendant guilty, despite the confessions, the identifications by other white witnesses, the judge's impartiality and strong charge, but of course, with the appeal to race prejudice by the defense attorney ringing in their ears.

IN THE District of Columbia, the jury of nine Negroes and three whites listened to the evidence in a case in which the defendant was accused of denying falsely that he was a Communist in order to get and retain an important government position during the war.

The defense attorney spent much of his time picturing the accused as a defender of Negroes as a race, and when it came to the final argument, he pulled out all of the stops.

He told the jury with its nine Negroes, "You know what it means to be tired of persecution. You have lived here. I don't have to tell you what persecution is. But there comes a time

when you get tired of it."

This was the statement made to a jury which contained nine Negroes in the District of Columbia where Negroes are barred from most restaurants, from hotels, from theaters and where the schools are segregated.

THE JURORS listened attentively. Then they went out and considered the evidence and the defense summation with its inferences and illusions. And they brought in a verdict of guilty on all counts.

What happened is that the defense attorney had, just as many do who pay lip service to liberalism and lose no opportunity to decry race prejudice, thought of his jury in terms of Negroes and whites instead of thinking of it as composed of American citizens. He found out, too late, that they were citizens.

Those Negroes who sat on the jury, listening to this Washington lawyer trying to play upon their emotions by cataloguing the ancient and continuing wrongs to which they and other members of their race have been subjected, could well have found the defendant not guilty.

That they didn't is to their credit. That they made up their minds on the basis of the evidence and not upon their anxieties or emotions is to be commended. They deserve a vote of thanks for citizenship, above and beyond the reach of prejudice.

THE HIGHWAY

by Charles H. Houston

The latest in the line of state cases reversed by the U.S. Supreme Court because of exclusion of colored persons from the jury is Patton vs. Mississippi, opinion December 8, 1947 by Mr. Justice Black.

Mr. Patton, a colored man, had been indicted for murder by an all-white Mississippi grand jury and convicted by an all-white petit jury.

A colored man does not have the absolute right to have a colored person on the grand jury which indicts him or on the petit jury which tries him.

The limit of the constitutional protection is that he has the right to have qualified colored persons given equal consideration for jury service, the same as any other qualified person in the community, and not arbitrarily excluded because of race or color.

An Important Right

This is a very important right to the man accused and an important incident of citizenship. From the standpoint of the man accused, it puts a stop to blatant appeals to race prejudice inside the jury room.

My favorite story about stopping race prejudice inside the jury room comes out of Baltimore.

Some years ago William Marshall (father of NAACP Thurgood Marshall) was the first colored man to serve on a Baltimore City grand jury. The first two days the grand jury sat, the grand jurors were always inquiring whether the person under investigation was white or colored.

If colored, they indicted him almost without further consideration. On the third day Mr. Marshall moved that the question of race be excluded as having nothing to do with guilt or innocence.

The foreman of the grand jury ruled with him, and no further question about race was tolerated during that grand jury session.

Has Many Duties

The importance of having colored persons serve on juries goes far beyond the question of investigation and trial of persons accused of crimes.

In many states the grand jury makes periodic inspections of the county jail, the county hospital, the insane asylum, old folks home,

forphanage and other public institutions.

Race discrimination will be kept to a minimum when county officials know that colored persons are likely to be on the grand juries which investigate their official conduct.

Jury service is a part of the machinery of the administration of justice. The administration of justice is always reserved for the ruling class in the community—whether the community be the home, the school, the city, county or state.

Second class citizens may receive justice, but they are never permitted to take an official part in administering it.

We can rate the citizenship of any group by the extent to which it participates in the administration of justice; that is part of the significance of the wider appointment of colored lawyers as judges in the North.

That is part of the reason why there are no colored judges except two or three justices of the peace in the South.

That is why the struggle to open jury service to colored people in the South concerns all of us no matter where we live.

When colored people begin to serve regularly on all juries throughout the South, they will be a long way toward graduating from second class to first class citizenship; and first class citizenship in the South is indispensable to first class citizenship anywhere else.

Negroes Now in Jury Box In Clinch County

Pearson, Ga. Tribune
February 6, 1947

HOMERVILLE---The Jury Commissioners in session this week, revised the jury boxes for the years 1947 and 1948, and acting under directives from Judge W. R. Smith at the October term of Clinch Superior Court, proceeded to include twenty-five colored citizens of the county and their names are now in the box for the next two years.

The decision to place Negroes in the boxes was not made by the Jury Commissioners or by the presiding judge, but is the direct result of decisions made by the Supreme Court of the United States at Washington during recent years. The Supreme Court, now made up almost solidly of appointees of the late President Roosevelt, has handed down decisions in more than one case from Southern States, holding that where Negroes are excluded from the jury box a conviction of a Negro for crime will not stand. At the last term of Clinch Superior Court, Attorney H. B. Edwards, the present Mayor of Valdo-

Superior Court Clerk Folks Huxford told the NEWS late today that the Jury Commissioners had drawn the names of 5 Negro Grand Jurors and 7 Negro Petit Jurors for actual service in the March Term of Clinch Superior Court.

ta, made the point concerning Negroes in the jury box, when a Negro client of his was indicted in a case where two white men were the prosecutors. Judge Smith signed an order noll-prossing the bill or indictment after it was shown there were no Negroes in the box.

The inclusion of Negroes in the Grand and Petit jury boxes for the next two years, is the first time in the history of the county that Negroes have been in the jury boxes in this county. As was pointed out

one of the court officials this week it remained for the Democratic Party in power at Washington, to bring about what sixty or more years under Republican rule, could not.

Valdosta, Ga. Daily Times
March 11, 1947

NEGROES SERVE ON GRAND JURY IN CLINCH CO.

For the first time in history, Negro citizens of Clinch county served on the grand jury in Clinch Superior Court. Two Negroes were on the grand jury. There were others called for service on the grand jury and trial jury but they asked to be excused.

In his charge to the grand jury, Judge W. R. Smith gave particular attention to the law governing service of Negroes on juries in Georgia.

Tifton, Ga. Gazette
March 12, 1947

Homerville.---Negroes have served on a grand jury in Clinch Superior court for the first time in history. Two were on the grand jury and others were called for service on the grand jury and trial jury but asked to be excused.

52 Negroes On Grand Jury Lists

A breakdown of the existing Grand Jury lists shows 1,051 names, of whom 52 are Negroes. A total of 47 Negroes on the list live inside Atlanta and 498 of the whites are Atlanta residents.

Negro Selected To Serve On Current Court Grand Jury

In Monday's selection of the Fulton County Grand Jury, John Underwood, of 1460 Marietta St., N. W., was selected as a panel member. Mr. Underwood, the only Negro serving on the panel, is a fireman at the Southern Shops and has been a resident of the county for over 30 years. Reports from Fulton Superior court reveals that no Negroes were selected to serve on the petit jury.

Grand Jury Indictment in Rape Try Assailed

MARIETTA, Ga., Nov. 11--(AP) Defense Atty. Dan Duke challenged constitutionality of an indictment against a teen-age Negro yesterday, charging Negroes are excluded from Grand Juries in Cobb County by placing their names on sheets of yellow paper.

White persons are listed on white slips, thus permitting easy identification, the attorney claimed. He moved to quash an indictment accusing Charlie Motley, 13, of attempting to rape a 72-year-old white woman. Duke, a former assistant attorney general of Georgia, gained national prominence as prosecutor of the Ku Klux Klan and the Jew-baiting, Negro-hating Columbians, Inc. Both organizations since have had their state charters annulled.

The attorney said the yellow slips effectively rigged the selection machinery to exclude Negroes from Grand Juries.

Hence, said Duke in his motion, "the Grand Jury which returned the true bill... consisted solely of members of the white race and members of the Negro race were purposely, systematically, unlawfully and unconstitutionally excluded from service on said Grand Jury."

52 RACE JURORS LISTED IN ATLANTA

ATLANTA--(AP)--There are fifty-two Negroes listed on the Fulton County Grand Jury eligible listing. This number is in contrast to the 999 whites listed as grand jury eligibles. Forty-seven of the eligibles live inside Atlanta.

Jury Convicts Man Who Shot Georgia Woman

ATLANTA, Ga.--A jury in Fulton Superior Court last week convicted J. D. Bradfield, 67-year-old Stone Mountain (Ga.) white man in the street car shooting of Mrs. Lucy Pyron, Atlanta matron. The June 7 shooting almost developed into a riot on the ill-famed River car line.

The trial jury fixed Bradfield's sentence at one year in prison on an assault with intent to murder count. Noting the convicted man's age and condition, trial Judge Virlyn B. Moore reprimanded Bradfield for his act and imposed a fine of \$200 and a suspended sentence of twelve months. The trouble on the car arose from a dispute over a seat between another white man and two un-

identified Negro men. Bradfield, a night watchman, entered the argument and brandished his revolver, whereupon near-panic resulted. The white man then fired wildly into the group, wounding Mrs. Pyron.

It is expected that civil action will be instituted against Bradfield and the bondsman who supplied bond to license Bradfield to carry a pistol.

25 1947

Illinois

**Five Matrons See Duty
in Federal Grand Jury**
When the Federal Grand Jury
is here for the March term, there
will be five Negro women among
the 23 jurors. They are: Mesdames
Charlotte Johnson, Naomi L. An-
derson, Ozibel Gordon, Mattie V.
Hampton and Myrtle Carter.

"Blue Ribbon" Jury Terms Chi Fire Deaths "Murder By Arson"

CHICAGO.—(ANP) — A "blue ribbon" coroner's jury, consisting of colored and white members under the foremanship of Horace Cayton, returned a verdict of "murder by arson" Friday in the deaths of 10 Negro tenants—four women and six children—who were burned to a crisp on Chicago's near north side on the night of Oct. 9. For two months, the six-man jury had been conducting a day-and-night investigation. It took a 17-page typed report to express the findings of the group.

The verdict contained a bitter condemnation of the owner of the building, the building department of the city, the fire inspector, and housing conditions for Negroes in Chicago. It recommended that the state's attorney determine whether Samuel Homan, the absentee landlord who owns other similar properties, can be held on a charge of criminal negligence, and that Mayor

or Kennelly start an investigation with an eye to overhauling the city's building inspection department, which just five months before the fire had given the firetrap a passing grade.

Although the jury could not find "sufficient evidence to charge any individual with this crime," it did "charge the person, or persons, unknown who touched off this fire with direct responsibility for the deaths of 10 human beings."

Iri. Not Isolated

The particular fire under investigation, said the report, is not merely "an isolated incident," but part of the pattern of real estate segregation of the Negro population that is forced to spill over into white neighborhoods. "The latest census figures show that although Negroes make up approximately 10 per cent of Chicago's population, they have only eight per cent of the available housing ... and that eight per cent is the oldest and most dilapidated."

The report stated that the jury had been "shocked" at the exorbitant high rentals for a building with "unbelievably shocking conditions," and expressed strong belief that "there would have been no deaths had the operator even the slightest feeling of human decency toward his tenants." The rentals were said to be equal to, or higher than, the highest rates charged in the best residential districts. The report recommended an

Judge Miffed at Beautician Who Put Job Before Jury Duty

CHICAGO (NNPA)—Mrs. Ethel McKissack, 34, who gave her address as 6129 South Parkway, was assessed a fine of \$5.85 and sentenced to a jail term of five hours by Chief Justice Cornelius J. Harrington last Monday as a lesson in citizenship.

Mrs. McKissack's trouble stemmed from jury service. She was called for service on a three-week jury Sept. 15. She begged off a week from Judge Harrington because of business pressure. She is a beautician.

Skipped Second Day
When the week was up on Sept. 22, she showed up for a day's duty. The next day a messenger came to the court room and brought her jury badge and credentials with word from Mrs. McKissack that she wouldn't be back.

Judge Harrington was miffed. He considered it his prerogative to say when a juror will be back. A deputy was sent to pick up the woman and found her eventually at 5652 South Parkway. She was brought in last Monday and spent five hours in the bull pen before Judge Harrington could talk to her. The judge decided she should serve the five hours she had spent in the bull pen as a sentence, and be fined \$5.85, the amount she was paid for her one day's service.

Attorney Charges Negroes Banned From Jury Service

(25) *Louisville, Ky.*
An attorney yesterday charged Negroes are barred from serving on grand juries in Floyd County, Indiana.

The attorney, Chester V. Lorch, appearing in Floyd Circuit Court at New Albany, turned to other lawyers and stated: *Ind. 4-8-47*

"There hasn't been a Negro drawn for grand-jury services in Floyd County in 25 years and perhaps never."

Lorch made his charge as he sought dismissal of a second-degree murder indictment against Mrs. Jeanette Johnson, 54, Negro, in the fatal stabbing of her husband, Charles Johnson, 61, last November.

750 Reported Qualified.

Lorch charged the defendant's rights under the Constitution's 14th Amendment had been denied in that no Negroes were considered for service on the jury which indicted her. He further charged the jurors were chosen contrary to Indiana statutes.

He said that at the time the jury was chosen there were 750 Negroes in Floyd County who were qualified for service. The 750 were among the 1,500 to 2,500 Negroes living in Floyd County, Lorch stated. *4-8-47*

The attorney contended Floyd County jury commissioners and their predecessors have drawn names of jurors from names of white persons only. He stated, "Negroes were systematically and arbitrarily excluded solely upon the fact of their race or color."

Amounts to Exclusion.

He said the exclusion had been "long continued" and amounted to "wholesale exclusion of Negroes from jury service."

The woman's trial, scheduled for tomorrow, will be continued by Special Judge John A. Cody, Jr., New Albany. He took Lorch's plea under advisement.

No Negro Jurors In Kentucky County In More Than 75 Years

NEW ALBANY, Ky. — (ANP) — There is no court record here of a Negro serving on a Floyd county grand jury within the past 75 years. *Sat. 5-31-47*

That fact was revealed last week when Atty. Chester V. Lorch began to check records to defend his 54-year-old client, Mrs. Jeanette Johnson, on a murder charge on the grounds that her rights under the 14th amendment to the constitution were violated, in that no Negro was considered for service on the grand jury which indicted her. Mrs. Johnson is accused of stabbing her 61-year-old husband to death last fall.

Special Judge John A. Cody, Jr., took the case under consideration, but Alvin E. Meyer, prosecutor, opposed Atty. Lorch's move to quash the murder indictment. Lorch was prepared to check court records back to 1816 to find one Negro juror, but Judge Cody limited the records introduced to cover the last 20 years.

No record of a Negro serving on the jury could be found, nor could any court attaches recall a Negro having been called for jury service since 1919. Of the 8,500 freeholders in the county, 800 are Negroes, said County Assessor Michael M. Boland.

Two jury commissioners, Charles Schan and E. F. O'Brien, told Judge Cody they knew of no discrimination against Negroes in the selection of juries. But Dewey Boyd, former sheriff, said, "I always figured we didn't want them." *Sat. 5-31-47*

No Grand Juror Called in County in Kentucky During Last 75 Years

NEW ALBANY, Ky. — (ANP) — In a search of court records last week by Chester V. Lorch, attorney, seeking to prove that the Constitutional rights of a client charged with murder were violated, he found that no colored person has served on a Floyd County grand jury in 75 years.

Special Judge John A. Cody Jr. took under advisement the lawyer's motion to quash the murder indictment against Mrs. Jeanette Johnson, 54, accused of stabbing her 61-year-old husband to death last fall. She was in-

dicted by an all-white jury.

Lawyer Proves No Negroes On Jury In 75 Years Fighting Indictment

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Chicago, Ill. Defender 25

Sat. 5-31-47

25 1947

Louisiana

3 Negroes On Federal Jury

NEW ORLEANS — Several Negroes were included in the United States petit jury panel selected last week, records of court disclosed.

Among those listed were Clarence S. Armstead, 1952 Jackson avenue; Alex F. Laneuville, 1564 North Prieur street; and Thomas E. Rose 2415 LaSalle street.

These men are among the group of jurors to serve in the United States District court here during the current term, records stated.

Negro Policemen Here Wouldn't Halt Crime; Negro Jury Needed To Curb It

By Ernest A. Curry

New Orleans. SAT. 6-28-47
(Ed's Note: Crime among the Negro populace in New Orleans has been a sore spot in a Race's fight from one of the famed Four Freedoms, - the freedom from fear. Always, as in the years past, it has served objectively as a hamper to a struggling society. Many people believe that Negro policemen on the force would serve as a sort of 'stop-gap' to crime here in a city with a large Negro population).

New Orleans, — The opinion as on the local force would more or less halt crime within the race should be disgorged and labeled as 'wishful thinking.' Any policeman should be capable enough to cope with any criminal. An officer could do his duty to the best of his ability, but when the bared by a majority of the city's populace that Negro policemen crime arrives in the court then it is up to a judge and a jury to determine whether the menace to society is to be put away in an institution of correction, or is to be set free and menace that same society again. The fault of the alarming amount of crime within the Negro race lies solely within our judicial system. Negro policemen would serve as a great help in the curbing of Negro crimes, but then they must have the backing of a Negro jury and a competent judge who would determine the extent of the sentence to be meted out to the offender in the courts.

NOT ENOUGH NEGROES REPORT FOR JURY DUTY

Just recently I talked with Guy Johnson, first assistant District Attorney, on the issue of Negro policemen, criminals, and the large amount of crimes unchecked here. The youthful lawman stated that the present administration is alarmed too, at the high percentage of crimes within the Negro race during recent years and attributed this to the lack of justice as practiced by white juries trying Negro criminals. I pumped the question as to why was it that Negroes were excluded from the juries committed to weighing the evidence and determining the guilt

in a case where Negroes were wholly concerned. Johnson revealed that it was merely a lack of enough Negroes being present in a panel when a jury is being selected. That I witnessed in one of the most famous Negro murder trials ever heard here, - the Arnold Jackson case in which the slayer of a 24 year old mother was acquitted by an all-white jury. When the selection of a jury for the case was commenced early in the afternoon of the first day of the trial last October, only five Negroes were counted in the panel. These were excluded, and with reasons good enough as later explained to me by the state prosecutor, Johnson, Himself. It was not likeable that a half and half jury of whites and Negroes would be selected to try a Negro criminal for a Negro crime, and since only five reported for jury duty the defense and prosecution had to naturally turn to a white jury.

WHITE JURY FAILS TO COPE WITH NEGRO CRIME

The proven fact is that an all white jury trying a Negro for a wholly Negro crime fail to grasp the seriousness of their job. They tend to let it pass as a Negro against another Negro, and even though damaging evidence may be presented at a trial they set in merely as spectators, and after all of the hearings are complete they file out of the courtroom without the slightest idea of the issue at stake. They file back in and in most cases the verdict is 'Not guilty'.

This tends to encourage Negro criminals to offend society again and again. Therefore more Negroes should report for jury duty when the time arrives, and they serve as a legion in helping to curb Negro crime. And Negroes should be on the police force to apprehend the criminal as well as to help preserve the tranquility of a community.

CRIME IN '47 VERY ALARMING

Since it is now apparent that New Orleans will have Negro policemen on its force at an early date we may look forward to helping them in cracking down on crime within the race. Working in unity with fellow white

officers they would prove a great and efficient aid to the community at large, and would go a long ways in helping to curb crime.

Murders are a blot on our society; hold-ups are everyday happenings; shooting, stabbings, burglaries and other forms of crimes happen too often in our lives. The Informer-Sentinel's crime files reveal the following for the first six months in 1947: 20 murders, 24 cases of stabbings, 32 cases of shootings, 88 reported holdups, 35 cases of gambling, 54 reported cases of burglary, 5 reported cases of rape, 17 juvenile offenses, 3 manslaughters, and a 123 miscellaneous cases involving purse snatching, street fights, drunken driving and damage to pedestrians, etc.

A strong, ever patrolling police force backed up by a competent jury and a stern judge is the medicine needed to cure the criminal ills among the Negro populace here. Highly efficient, duty conscious Negro officers are needed to bring about a strong police force to crack down on the criminal elements that are threatening to destroy a free Negro society and plunge the race back into darkness. The present administration has promised to give aid in curbing in the high amount of crime raging here now, and now we track them down to hold them to their promises.

25 1947



FIRST GRAND JUROR of her sex to serve in Maryland is Mrs. Vivian Alleyne, Baltimore social worker. Jury service for women in the Free State was approved by the State Legislature last spring.



JUROR—Mrs. Rosa L. Gilbert of 555 Mosher St. was one of the first women called for jury service in Maryland. This first group completed three weeks of service last week. Though assigned to Superior Court, Mrs. Gilbert was called to serve upon a murder trial panel in Criminal Court.

Maryland

25 1947

Robert L. Ward Michigan Chronicle Named To County Jury Commission Detroit, Mich.

Robert L. Ward, chairman of the Progressive Republican Organization, was appointed a member of the Wayne County Jury Commission by Gov. Kim Sigler last week.



Sat. 4-19-47
Robert Ward

The appointment was announced at the fifth anniversary dinner of the Progressive Republican Organization at the Lucy Thurman YWCA. Explaining the defeat of the FEPC on the grounds that it was Communist inspired, Sigler suggested that Negroes need to return to the conservative leadership of the late Booker T. Washington and George Washington Carver.

Michigan

Mississippi Jurors

At the start of every court season in Lauderdale County, Miss. (pop. 34,821), an appointed jury commissioner goes through the rolls of the registered voters, picks out names and puts them in a wooden box. When a jury is required, a Lauderdale clerk pulls names from the box and summons potential jurors for duty. Negroes are never summoned to serve on a Lauderdale jury—although many of the 12,511 adult Negroes in the county are registered voters.

Last week the United States Supreme Court sharply denounced this jury selection plan as "discriminatory" and a violation of the United States Constitution's Fourteenth Amendment, guaranteeing "equal protection of the laws."

The case was brought before the nation's highest court by attorneys for a Mississippi Negro, Eddie Patton, convicted by an all-white jury of murder and sentenced to death. His attorneys contended that the exclusion of Negroes from the jury made the conviction illegal. On Monday the Supreme Court unanimously ordered a new trial for Mr. Patton. It said that the principle of fair jury selection as a right had been upheld since 1879 by "a long and unbroken line of our decisions."

Jury Exclusion In Mississippi Bitterly Hit

Marshall Claims
"Confession" Made
Involuntarily

WASHINGTON, D. C.—(NNPA)—The percentage basis adopted by the Mississippi Supreme Court to determine whether colored persons had been wrongfully excluded from the grand jury which indicted Eddie (Buster) Patton in Lauderdale County, Miss., was bitterly assailed in the United States Supreme Court last Friday.

Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People, also attacked what he described as a new technique in getting before trial juries confessions obtained thru duress.

Patton was indicted by the Lau-

derdale County grand jury February 1, 1946, for the murder of Jim Meadows, a 33-year old white man. He was tried February 28, 1946, and found guilty. On March 2, 1946, he was sentenced to die in the State's electric chair.

LONG QUESTIONING

Mr. Marshall told the Court that Patton had been arrested around noon February 11, 1946 and carried immediately to the Lauderdale County jail, where he was questioned intermittently for three days.

The only testimony bearing on Patton's alleged confession was that of a deputy sheriff. Patton himself did not testify. According to the deputy sheriff's testimony in the trial record, which Mr. Marshall read to the court, Patton was questioned on and off from noon, until early evening when he is alleged to have given information as to where the money box he had taken away from the dead man was hidden.

Mr. Marshall said Patton was taken from the jail, handcuffed with a long chain attached, which the officers had to drag him along. A trusty carried the chain. After a while in the woods, he pointed out the place where the money box was hidden.

Patton was returned to the jail. More questioning followed. He again was carried out into the woods and on this trip is alleged to have pointed out some thing else preadt tnouagal

Negro Jury Service In Slaying Doubtful

MERIDIAN, Miss., Dec. 10—(AP)—Lauderdale County Atty. W. L. Clayton sees little chance of any Negroes on the jury which will try Eddie (Buster) Patton, Negro, here in February on a charge of slaying a white man.

Patton's earlier conviction was reversed Monday by the U. S. Supreme Court on the ground racial discrimination kept Negroes off the convicting jury.

Clayton said the county supervisors will include the names of Negroes on the prospective jury list but the chances of any of them ever serving on a jury is slight.

The qualifications for a juror, he said, are that he must:

1. Be a qualified elector.
2. Have paid poll tax for the past two years.
3. Not have been convicted of selling liquor in the past five years.
4. Not have been convicted of any "infamous" crime.

One or more of these requirements will disqualify most Negroes

in Lauderdale County, he said. Patton is charged with slaying J. M. Meadows, a night club operator.

None on Jury for Thirty Years

WASHINGTON — (NNPA) — Two lines of reasoning were used by Thurgood Marshall, special NAACP attorney, before the U.S. Supreme Court last week, in arguing the appeal of Eddie (Buster) Patton's conviction on a charge of murdering a white man in Mississippi.

The first was that colored persons were systematically excluded from the Lauderdale county grand jury that indicted Patton. The name of a colored person has not been on the jury list in 30 years.

Mr. Marshall's other contention was that "in Mississippi, when a colored person is charged with killing a white man, carrying him around the countryside manacled was not the kind of atmosphere conducive to a free and voluntary confession."

Nassau Grand Jury Panel Lists 2 Negroes

For the first time in history, the grand jury panel of Nassau County will contain the names of two Negroes—Ralph S. Bryant, an auto mechanic of Roslyn Heights and Herbert B. Payne, a vegetable stand clerk of Woodbury.

The selection of the two Negroes for the 1947 panel by the Board of Judges and Commissioner of Jurors John S. Thorp, was the result of the case against William J. Dessaure, indicted last summer on charges of assaulting two policemen in Rockville Center, L. I. *Feb 10-47*

Dessaure, a lay preacher of Freeport, L. I., had reported a gambling house at the Rockville Centre police station, and was beaten up there by police and placed under arrest.

Dessaure's attorney Stanley Faulkner appealed the indictment on the ground that Negroes were "systematically and intentionally excluded" from the jury that indicted the preacher. Faulkner's motion was dismissed Dec. 14 by Judge L. Barron Hill, who claimed no discrimination existed.

Commenting on the appointment of the two Negroes, Faulkner said:

"This is a direct step in the progress of democracy and the recognition of the quality of Negroes for grand jury duty in Nassau County. It is the strongest support that could be given to the Constitution of the United States and is a blow against Jimcrow everywhere." *Feb 10-47*

First Negroes Get Placed On L. I. Grand Jury Panel

For the first time, Negroes have qualified for grand jury duty in Nassau County. Two Negroes are included in the 1947 grand jury panel of 600, Ralph S. Bryant, an auto mechanic of Roslyn Heights, and Herbert B. Payne, a grocery clerk of Woodbury. *Feb 10-47*

They were among 31 new jurors added to the panel this year to bring it to full strength.

Commissioner of Jurors John S. Thorp said that no one had ever been selected or excluded because of color. But the inclusion of Bryant and Payne on the 1947 panel closely followed a legal battle in which William J. Dessaure, a Freeport, L. I., Negro, sought to have a second-degree assault indictment against himself thrown out because the grand jury which returned the indictment had been illegally drawn.

Dessaure claimed, through his attorney, Stanley Faulkner, that the grand jury had been illegal because Negroes had "systematically and intentionally" been excluded from Nassau County grand juries.

Two weeks ago, Acting County Judge L. Barron Hill, who earlier had ordered a hearing on the question of the exclusion of Negroes, ruled that there was nothing to show that the exclusion was intentional.

Both Bryant and Payne had been called as veniremen at the time the first jury in the Caraway case was picked. Neither was selected to serve as a juror.

Grand jurors in Nassau are selected by the Commissioner of Jurors and a Board of Judges composed of the four Supreme Court judges and the County Judge in Nassau.

Thorp, the commissioner, said the grand jurors were drawn from

the 20,000 qualified trial jurors in the county. *Feb 10-47*

Falukner, attorney for Dessaure and also lawyer in the now-famous Freeport case, commented:

"The importance of these appointments should not be underestimated. It is distinctly a step in the progress of democracy."

NEGROES ON GRAND JURY

Two Are Chosen for Service in Nassau County, L. I. *Feb 10-47*

Special to THE NEW YORK TIMES.

MINEOLA, L. I., July 8—Two Negroes were sworn in today as members of the July-August grand jury by Judge Henry J. A. Collins in County Court here. The Negroes are believed to be the first members of their race chosen as grand jurors in Nassau County. Negroes had served as trial jurors here. *Wed. 7/9/47*

The jurors are Ralph S. Bryant, 57 years old, a mechanic in Roslyn, L. I., and Selden H. Bunn, 42, a bank employe in Westbury, L. I. Mr. Bryant had been called for jury service in the murder trial of Ward Beecher Caraway but was challenged by defense counsel at the request of Caraway, himself a Negro. *Wed. 7/9/47*

Negroes were "systematically and intentionally" kept off the Nassau County Grand Jury, it was alleged recently, in an unsuccessful suit to invalidate an indictment against William J. Dessaure, a Negro. He was charged with assaulting two policemen.

GRAND JURORS NAMED

For the first time in the history of Nassau county two Negroes last week were sworn in as members of the grand jury for July and August by Judge Henry J. A. Collins. Negroes have previously served on trial juries in the county.

The two jurors are Ralph S. Bryant, 57 year old, mechanic

of Roslyn, L. I., and Selden H. Bunn, 42, a bank employe in Westbury, L. I. Mr. Bryant was called for jury service in connection with the trial of Caraway, but was challenged by defense counsel at the request of Caraway. *Wed. 7/9/47*

Negroes were "systematically and intentionally" kept off the Nassau County Grand jury, it was alleged recently, in a unsuccessful suit to invalidate an indictment against William J. Dessaure, a Negro. He was charged with assaulting two policemen. *Journal & Guide*

Colored Woman Serves On Durham Jury

DURHAM, N. C. — Patricia Richardson is the first colored woman to be drawn for jury duty since the state ruled that women are eligible to serve on juries. *Norfolk, Va.*

This occurred when she was drawn along with eight white women to serve as jurors for a two-week civil session of Superior Court beginning here *Wed. 11.24.46 8-30-47*



N.C. JURY—Miss Betsey Ann Franklin of Madison, N.C., and 12 white women were the first female members ever included on the jury list of Rockingham County Superior Court. She served during the recent criminal term of court in Wentworth, N.C. *Fre. 10-17-47*

Piedmont Tobacco Strikers Get Terms

WASHINGTON, D. C.—(NNPA)—The United States Supreme Court Monday refused to review a case involving the dual questions of the arbitrary and systematic exclusion of colored persons from jury service and the restriction of white persons for such service to poll-tax payers. *Fre. 10-17-47*

The review was sought by a white man, a colored man and a colored woman who were convicted by North Carolina courts of resisting obstructing a police officer in the performance of his duty at the scene of a strike at the Piedmont Leaf Tobacco Company in Winston-Salem. The petitioners were:

Margaret De Graffenreid, who on August 23, 1946, was in a picket line in front of the premises of her employer, the Piedmont Leaf Tobacco

Both Races Hit by N.C. Jury Ban

Fre. 12-27-47

WASHINGTON—(ANP) — Another case involving the barring of Negroes from jury service, this time in North Carolina, is headed for the U. S. Supreme Court. However, this case also involves the exclusion of whites.

Seven Negro men and two Negro women were arrested as a result of picket-line fighting in a laundry workers' strike at Winston-Salem in October, 1946. They were sentenced to serve from one to eighteen months on charges of assault with the terms upheld by the State Supreme Court despite charges of exclusion of potential jurors, especially Negroes. *Fre. 12-27-47*

The nine say that although Negroes are 45 per cent of the 150,000 people in Forsyth County, where Winston-Salem is located, Negroes have been systematically excluded from serving on the jury. According to the county sheriff, during the past ten years about a dozen have been called for grand jury and petit service.

From October, 1936, to October, 1946, there were twelve Negro jurors out of 4,078, according to the county commissioner's list. Ninety per cent of eligible Negro jurors and 55 per cent of eligible whites were shut off the lists during this period, the U. S. Supreme Court was told.

was arrested for interceding in Jones behalf.

QUESTIONED RAISER

All three were arrested in the Municipal Court of Winston-Salem. On appeal to the Superior Court of Forsyth County the question of the arbitrary and systematic exclusion of colored citizens from jury service and the question of the restriction of white citizens for such service by the Board of County Commission was raised. There also was raised the question of the constitutional validity of the statutory qualifications for jury service.

North Carolina law restricts the jury lists to tax payers who are either property owners or poll tax payers. Poll tax payers include only males between the ages of 21 and 40. If a male over 50 possess no property, he is excluded from the jury lists. *Fre. 10-17-47*

Jury lists are made up for jury service in Forsyth County once every two years by the Board of County commissioners from the tax records of the county.

In 1945, Forsyth County had a population of 145,000 persons, of whom 45 percent were colored. Evidence introduced at the trial showed that no colored person had been called for service on the grand or petit juries for the October term 1946.

SAYS SOME CALLED

The sheriff of Forsyth County testified that a dozen colored persons in all had been called for jury service over the period of the past ten years.

The Board of County Commissioners maintained separate lists for colored jurors for the biennial years 1941 to 1946. Of a total number of approximately 4,078 jurors serving over the period from October, 1936, to October, 1946, approximately 12 were colored.

Counsel for the petitioners maintained that from 90 to 95 percent of the eligible colored persons and 55 percent of the eligible white persons were subjected to arbitrary discrimination and exclusion from the jury lists. *25 Daily World*

In the Superior Court of Forsyth County, when six jurors had been drawn from the jury panel for trial of the case, the judge ordered the sheriff to summon twenty-five additional veniremen, not less than ten of whom he directed should be colored. This was done, and a jury obtained. *N.C. Atlanta L.A.*

The defendants were convicted. Koritz, Jones and Miss De Graffenreid were sentenced to twelve, ten and eight months "on the road," respectively. *Fre. 10-17-47*

Counsel for the State North Car-

olina told the Supreme Court that the petition for certiorari presented no federal question.

25 1947

Negro Juror Rules Against Race Couple

Chicago Defender
Chicago Ill

CLEVELAND — A mixed jury which included one Negro woman last week sent to crashing defeat the first court struggle for civil rights in Ohio. *3-29-47*

Deliberating an hour, the jury acquitted a park guard from Euclid Beach, one of two city amusement parks, charged with discrimination in barring Negro couples from the dance floor last September.

The verdict was in one of the first criminal actions filed under the Ohio State Civil Rights Law, and came as a surprise to many observers of the trial.

Defendant was Alexander R. Campbell, 200-pound park "henchman," charged with forcibly barring Miss Juanita Morrow and Wilk S. Peters from the park dance floor when they attempted to enter the hall in company with two white couples. *Set. 11-29-47*

Five witnesses, all members of the evicted group, testified that Campbell had told them that mixed couples were not permitted to dance, and defined mixed couples as "Negro couples dancing on the same floor with whites." *Set*

Two of the witnesses testified that Campbell forcibly led Miss Morrow from the dance floor by placing his hand on her arm and pushing her.

Ohio

25 1947

W. R. WRAY ON JURY HEARING BUS SUIT

Chicago

A district court jury, including one Negro, W. R. Wray, 501 N. DuRand, returned verdict of \$366 damages awarded to Andrew Robinson, 1738 NE 4, against the Oklahoma Railway company for damages to his '38 Pontiac sedan, loss of time and conveyance since the accident, May 21, 1946, at 5th street and Everest. *Set. 11-29-47*

Oklahoma

TWELVE GOOD MEN AND TRUE

The Michigan Chronicle

Detroit Mich.
(Reprinted From The New Republic)

SOUTH CAROLINA — The 12 good men and true from Greenville County squirmed on the hard, hot seats of the jury box. Sitting there stiffly in their Sunday suits, they had the look about them of fretful sinners who could neither face nor flee the pointing finger of the preacher. It had been that way all through the steamy nine days of South Carolina's case against the accused lynchers of Negro Willie Earle. *Say. 6-7-47*

The odds against finding a hero among a random dozen of Greenville County citizens were probably no higher than anywhere else. But there was need of a hero. The jury was average enough for those parts — eight textile workers, a farmer, a divinity student, an auto mechanic, a salesman, all of them male, all of them white. It was the situation that was more than average. The dozen pairs of eyes looking out from heads swimming with strange thoughts kept searching for what the judge called "reasonable doubt." It wasn't an easy thing to locate. The 26 confessions read into the record laid it out pretty cold — the high-tempered talk, the drinking, the jail delivery, the stabbings, the beating, the point-blank shots which finally removed poor Willie Earle from this world. It was all there. Except that in South Carolina you didn't send white folks to the chair for lynching a Negro unless the case was airtight. Even 12 good men and true had to go on living with their neighbors.

The unhappy figures in the jury box felt the defense lawyers' arguments wash over them like a spongy sponge: "We get along pretty well down here until they start interfering with us from Washington and the North," coaxed Atty. Tom Wofford, a Harvard graduate. "Willie Earle is dead, and I wish more like him were dead," shouted John B. Culbertson, another defense lawyer. The stern warnings of conscientious Judge J. Robert Martin Jr. could not erase the damage.

It was no atmosphere in which to hide a loophole. The 12 good men and true tugged at their chins and wondered if it was up to them to answer all the doubts in their troubled minds: *Say. 6-7-47*

Why had there been no change in venue? (Nearby Spartanburg has a superior reputation for solid law enforcement. Special Prosecutor Sam R. Watt, brought over from that neighboring textile center on the strength of his record of convictions labored against the prejudices of local rivalry.)

Although editorial heart was expressed in some quarters over the fact that the Greenville trial took place at all, U.S. Attorney General Tom Clark immediately ordered a federal investigation into the "outrage in South Carolina, where a jury turned loose . . . admitted lynchers." Repercussions were worldwide. The London Daily Express protested that "trial by fury . . . remains the unwritten law of America's South."

One day after the Greenville verdict, 400 miles north in Jackson, N.C., a masked band of white men stormed the jail and removed 24-year-old Godwin Bush. The young Negro had been charged with rape. The whereabouts of the latest victim of lynch law at first remained a temporary mystery. Then Bush, who said he had escaped from the mob and taken refuge among friends, surrendered to the FBI — on the promise that his safety would be protected.

Why were Greenville police unable to corroborate the evidence of the confessions obtained by FBI agents? (The lynchers, after the crime, boasted openly of it in the town. The only supporting witness produced by the state was subsequently beaten up without the intercession of local authorities. In the end, the case hung entirely on statements which, the jury was told, had to be given freely and voluntarily to stand up alone in a court of law.)

By the time the jury was ready to be charged, the judge's words were beating against a wall as thick as the injustices of the ages: "You as jurors in a court of justice have no friends to reward nor any enemies to punish. Your purpose and my purpose here today is to see that a verdict is rendered in this case that speaks the truth."

A soft rain was weeping over Greenville County Courthouse when, five hours and 13 minutes later, the jury sent word that it was ready with the verdict. The judge instructed the sheriff to disperse his deputies among the white spectators. The Negro gallery was nearly void of either watchers or hope. "Not guilty, not guilty, not guilty . . ." droned through the stifling courtroom. Judge Martin turned his back sharply and left the bench without so much as a word of thanks. The 12 good men and true collected their \$72 apiece, walked silently out into the night and headed home to pray.

In Defense of Juries

The News And Courier

Many persons have severely criticized the jury that acquitted the 28 men who were indicted for the murder of the negro Willie Earle in Greenville county. The critics did not hear the law charged by the presiding judge and the sworn testimony of the witnesses. The critics have not been sworn as jurors. The News and Courier cannot say what would have been its verdict had it been a member of the jury.

Do the critics wish the jury system abolished? What would they substitute for it? Would they have indicted persons tried by judges, by kings, by commissars, by political bosses, by newspapers?

Are they contending for the passage of a law that would transfer trials of criminals in South Carolina to federal courts? If that they advocate, why do they not so say? *Charleston, S. C.*

The News and Courier is a believer in the right of the state to try criminals. It would not have South Carolina converted into a province governed by proconsuls appointed by Authority in Washington or in Moscow. *Thurs. 6-5-47*

Juries are composed of men. Men are fallible. An act of congress sustained by the courts that murderers and other felons be tried in the federal courts would intensify "race prejudice" in South Carolina. It would incense ruffians, incite them to do murder. Ignorant negro ruffians would of course think that "Uncle Sam" would protect them no matter how beastly their deeds might be. The federal government could apply force to halt them. It could send to South Carolina an army of occupation. That would not be new to South Carolina.

One can think of a jury as ignorant or corrupt, or both. It is not for The News and Courier to describe any jury as of that character or want of character. The News and Courier is a believer in the jury system and a defender of it. It is a believer in the right of the state of South Carolina to try accused persons. It is a defender of that right. Therefore it refuses to join in denunciations of the Greenville jury, and leaves it to persons who think of themselves as specialists in that duty.

TARHEEL WEEK ²⁵

- By -
C. D. Halliburton

Failure Of Two Grand Juries To Indict In Attempted Lynching Points Up The Type Of Men Sitting On Juries In The South, Says Writer

RALEIGH, N. C.—The failure of a Warren County grand jury to indict the one man whose confession was the basis for the reopening of the Buddy Bush attempted lynching case came as no surprise to the North Carolinians conversant with the case and all the attendant circumstances. When it was announced that Governor Cherry had appointed a judge to sit as a committing magistrate to rehear the evidence after a Northampton County jury had freed the confessed member of the mob and the six others implicated by his confession, it was generally felt that the governor and the other officials were doing and would do all they could to bring the culprits to justice. Beyond that the informed Negro observers and many white persons felt that no action could realistically be expected.

Judge J. Paul Frizzelle ruling at the second hearing that the confession of the one member of the mob could not be introduced as evidence against any of the other alleged mobbists automatically freed six men. His holding of the jailer along with the confessed abductor was regarded as important in that it officially recognized the failure of that officer to do this duty.

But the release of the other six accused men by Judge Frizzelle, in accordance with his interpretation of the rules of evidence, at once rendered doubtful in the minds of the majority of observers that the Warren County jury would indict either the confessor or the jailer.

Sat. 10-4-47
Of particular interest in this connection is a letter published in the Raleigh News and Observer of September 24. The letter was written by John B. Palmer, white, a long-time resident of Warren County, and a frequent and fairminded contributor to the Letters column of the Raleigh daily. We quote from the letter:

"For the information of thousands who rarely attend our courts and are not acquainted with court procedure, we suggest you take a week off at the next term of Superior Court in your county and view and study the personnel of those who make up our juries. If you do this, you will know why such disgraceful jury action in Warren County occurred, and this is true in other states in the South where the Negro is an issue. 'Nigger' baiting, 'Nigger' hating whites of the lower order haven't a very high concept of justice when the 'Nigger' is an issue!"

On the day after the Warren grand jury refused to bring an indictment against two men against whom Judge Frizzelle

had found probable cause, the News and Observer carried an editorial entitled, "The Case Can Never Be Closed. The argument of this editorial was that as long as there is any legal ground on which the State may still proceed in an effort to bring the culprits to justice the case is not finally closed. Governor Cherry had issued a public statement to the same effect. But Mr. Palmer in his letter asserts:

"The case is closed, Mr. Governor. Grand juries in the other adjoining counties dominated by the type of white personnel who make up our juries will continue to report 'not a true bill' in this Northampton case."

It was noted in this space recently that two distinguished North Carolina superior court judges have called for reforms in the jury system. One jurist advocated the practical abolition of the grand jury. The other went further, and would have the trial jury replaced by a panel of judges to decide both the fact and the law, thereby eliminating the petit jury. There is no doubt that the performances of the Northampton (and later the Warren County) grand jury, and similar miscarriage of justice, entered into the raising of the question as to grand juries. Petit juries have also pulled some pretty raw stuff on more than one occasion recently. So the question of reform in the machinery of justice is more than an academic issue in Tarheelia today.

As a matter of fact a third point has been made by still another judge. This time it is the Hon. J. Hoyle Sink, Presiding in Charlotte last week he opened the term with a statement in which he pointed out emphatically that arresting per-

sons without any specific charge against them is illegal. He condemned the practice, commonly indulged by peace officers in North Carolina and elsewhere, of arresting and holding persons for "investigation." The judge said that keeping a person confined in prison for one minute was unjustifiable unless that person had been properly charged with some offense by due process of law.

10-4-47
Negroes in North Carolina and everywhere else usually form a high percentage of those persons whose constitutional rights are violated by the method Judge Sink refers to. Ordinarily the arresting officers "pick up" Negroes and others and book them "for investigation" or on "open charge" as a matter of routine. Not only is it done with impunity in the vast majority of cases, but it is quite possible that many policemen, deputy sheriffs and constables do not even realize that in so doing they are acting illegally; and it is reasonably certain that the majority of those so arrested do not know that one of their fundamental rights and immunities is being violated.

va.
Maybe Judge Sink's statement, if circulated widely enough, could do a lot of good.

Negroes Doing Duty As Jurors Is Nothing Unusual In South

NEW ORLEANS, Dec. 15—It is not considered unusual for Negroes to serve on court juries, both federal and state, in the South.

An Associated Press survey indicated Saturday that Negroes have served on juries in the 12 states from Texas to Virginia.

But in South Carolina, Georgia, Florida, Alabama and Mississippi not a great number of Negroes summond actually serve on state juries.

The question was brought into focus this week by the United States Supreme Court decision granting a new trial to Eddie (Buster) Patton, Mississippi Negro, on the grounds of systematic exclusion of Negroes from juries.

The Patton case furnishes a sequel to the Scottsboro case of 1935. There the Supreme Court reversed the death sentence for two Negroes on similar grounds in the Alabama case.

Patton was sentenced to die for the murder of Jim Meadows, a white night club operator at Meridian.

Sun. 12-12-47
Meantime, Mississippi's Atty. Gen. Greek L. Rice expressed the opinion that the names of Negroes as well as whites would have to be placed in the jury box to meet terms of the Supreme Court opinion.

IN LOUISIANA, M. E. Culligan, assistant to the state attorney general, said records in a recent case in which racial discrimination was charged, showed that the percentage of Negroes on state court juries in New Orleans exceeded the number serving on Federal Court juries.

Although the Patton jury was all-white, legal circles said Negroes have served on juries in Mississippi courts. In Harrison County (Gulfport), names of Negroes are carried on the jury lists. Some have served on the county Grand Jury.

In Virginia, Negroes can, and sometimes, do serve on juries.

Atty. Gen. Harry McMullan said at Raleigh Negroes had been serving in North Carolina at least 15 years. Five Negroes recently served on a case at Winston-Salem.

South Carolina law does not exclude Negroes, but they seldom serve. In that state, a designated number of "competent persons" who are registered voters are placed in the jury box for drawing by county jury commissions.

Negroes have been free to serve on juries in Kentucky since emancipation. In Tennessee they are called for jury service on the same basis as whites.

IN GEORGIA, a six-man jury commission in each county uses its

discretion in picking the "most upright, intelligent" citizens for petit jury service, and the "most upright, intelligent and experienced" citizens for Grand Jury service.

In practice, more than 100 Georgia counties do not include the names of Negroes on jury panels. Others require that Negroes make their tax returns on yellow slips. Yellow slips are used in jury box selections, along with white slips of the white tax returns. The yellow slips, however, are reported seldom drawn.

Sun. 12-12-47
In Florida, some counties place the names of Negroes in the jury box from which venires are drawn. Few Negroes, though, have served at trials. It is not uncommon for Negroes to serve on Federal Court juries, however.

Alabama jury rolls carry the names of Negroes. In practice, however, very few actually serve on juries. Negroes do serve in Arkansas and Texas.

In Louisiana, the district judges of New Orleans select the 12 members of Grand Juries from a drawing of 100 names from the venire. Elsewhere in Louisiana, the drawing is by lot.



Sat. 7-12-47

SAM HUDSON

Sam Hudson To Serve On July Grand Jury

The Informer

Houston, Texas

DALLAS—Sam Hudson, youthful executive of Roseland Homes and long active in civic affairs, was sworn in at ceremonies in Judge Henry King's Criminal District Court, to serve on the Grand Jury which was impaneled Monday, July 7. Sat. 7-12-47

The Grand Jury, on which Mr. Hudson was selected, will serve through July, August and September. During this time there will be two Grand Juries serving in an attempt to dispose of a backlog of 800 felony cases.

Mr. Hudson has completed five years of leadership as the manager of Roseland Homes Federal Housing Project located in North Dallas in Washington, Thomas, and Munger avenue area. In a recent interview Mr. Hudson stated that the 650 brick houses, with an approximate population of 2,750 and utilizing an administrative-maintenance staff of 17, were built for the low-income group so as to improve housing by eliminating

sub-standard housing.

Roseland Homes Community is composite of a nursery school for the children of working mothers, choral group, Teen-age Council and Canteen, Young Men's club, several health offices, Scouts—girl and boy, and others. There is voluntary leadership for most of the community but the recreation supervisor is paid by Park commission. Sat. 7-12-47

Mr. Hudson, who graduated from Bishop college, Marshall, Texas, and did some graduate work at University of Colorado, is a member of Alpha Phi Alpha fraternity. Aside from his managerial duties, he serves on the following committees: Board of Directors Negro Chamber of Commerce, chairman of Roseland Branch Big Brothers, Citizen Crime committee, and Citizen committee Juvenile Welfare.

Drop Murder Charge Because of Jury Bias

Kansas City, Mo.
GONZALES, Texas. — (ANP)

A murder indictment against a Negro was dropped in the 35th district court here last week because no Negroes were on the grand jury which returned the indictment. Fri. 2-28-47

After an indictment against Charles Henry Jackson, Dallas, charged with the murder of John Perrault on Dec. 6, 1946, had been quashed, Dist. Atty. Denver E. Perkins warned that "as long as Negroes are discriminated against in the selection of juries in denial of their constitutional rights, the situation will be presented."

Jackson's partner, Louis Jones, was tried separately and received a death sentence on the same charge, but his execution was delayed pending outcome of Jackson's jury discrimination plea. Jones did not make the same defense plea, yet it may also save his life. Fri. 2-28-47

They Thought He Was White!

Chicago Defender, Chicago, Ill.

Sat. 5-17-47

Texan Serves As Jury Foreman

FORT WORTH, Tex. — They thought he was white, so H. J. Blackwell broke precedent here when he served as foreman of a supposedly all white jury in county law court No. 1 of which Dave McGee is judge.

H. J. Blackwell, 53, the publisher of a magazine, the World's Messenger, disclosed that shortly after he had been impanelled, the conversation of the other jurors caused him to realize that they thought he was white. They strongly upheld Eugene Talmadge's racism in Georgia and said "niggers ain't interested in no law school—they just want to go to the University of Texas."

Blackwell said that when he told his occupation he did not mention his new magazine "Negro Achievement," as he thought that would cause him to be scratched from the jury and he wished to open the way for other Negroes to serve

Blackwell himself asserted that if Morris had asked his race he would have told him, but the question never arose. So, after the jurors heard the case of Mrs. Jessie T. Taylor versus Texas Unemployment Compensation Commission, they retired to consider their verdict and Blackwell was suggested for foreman and unanimously elected. Chicago, Ill.

Mrs. Taylor, a white Fort Worth resident and former employee of Armour Packing company, won the case in which she was accused of not being entitled to unemployment compensation because she left her job and because her husband was able to support her.

Congratulated On Verdict

Both Mrs. Taylor and her attorney shook hands with Blackwell after the decision was given, and thanked him profusely for the verdict. Sat. 5-17-47

After serving on the jury from March 17 to 20, Blackwell told his race to the white newspaper, the Star-Telegram, because he did not want the fact of his being a Negro to go longer unrevealed. After interviewing Mrs. Taylor, Judge Morris and Judge McGee, the Star-Telegram's reporter interviewed Blackwell in his office and told him that while he was the first Negro to serve on a petit jury here, he would be assured that he will not be the last.

Blackwell came here from New Orleans five years ago. He is a Kansan by birth, and studied law at the University of Kansas. He left law school to enter the real estate business in St. Louis. He took his bar examination at Jefferson City, Mo., where he was prominent in political circles. He was active in Missouri politics at the same time as were President Truman and Postmaster General Haney and is personally acquainted with both.



Sat. 5-17-47

H. J. BLACKWELL

on Tarrant County petit juries.

When the court sessions were over, the fact that Blackwell was a Negro came out through the query of a Courthouse reporter for the Star-Telegram. Judge McGee said: Sat. 5-17-47

"If he was a colored man, I'm sure none of the jurors knew it. I didn't."

District Judge Walter Morris, who impanelled the jurymen said that although it has been the custom to excuse Negroes from serving as jurymen, the fact that Blackwell is a Negro does not disqualify him. He said that a Negro has a right to serve on a petit jury. Chicago Defender

KING COUNTY NEGRO JURORS MUCH IMPRESSED BY THEIR CIVIC DUTIES

Northwest Inter-Press
Seattle, Washington
By E. I. R. Wash.

One of the most important functions of democratic government is the right of trial by jury for those accused of crime. By crime, we mean, acts committed by individuals which violate our established morals; retards our educational efforts and other factors founded upon economic necessity. We are taught in a very large measure that those things are which do not violate the rights of others, and have received interdictions against lying, perjury, covetousness, robbery, kidnapping, rape and murder, acts that definitely violate the rights of those whom they are perpetrated against. We have laws against murder because the majority of us object to being murdered, and the same philosophy is applicable to other types of crime. *Sp. H. Wash.*

In King County Washington, qualified citizens are called for jury service indiscriminately and regardless of race or color. Such service is a high civic duty and entails responsibilities. It often entails inconvenience and even financial loss, but nevertheless it is a service that should be willingly rendered. *Nov. 11-12-47*

When called for jury duty, be sure we plan excuses to avoid the service, we should well consider that duties, responsibilities, privileges and opportunities make up the routine of our lives; that these things resolve themselves into obligations, service and reward. Our duties arise from our obligations and activities put forward in the performance of duties and opportunities for benefit to ourselves and the community in which we live.

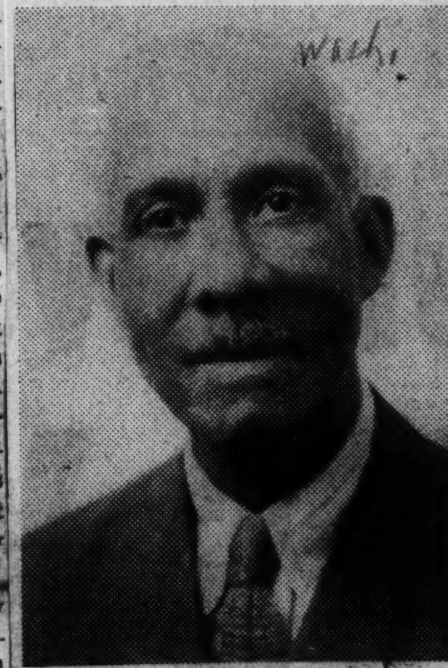
In the fall term of King County Superior Court, beginning September 1947, one race woman and two men accepted the call to serve as jurors, while to our knowledge others who were called by reasons best known to themselves did not serve. We have

interviewed these four to ascertain their reaction to the service they rendered and take pleasure in passing their comment to our readers.

Mrs. Elizabeth (Betty) Johnson, caterist, 1508 East Fir St. said: "When I received my notice to appear for jury service, I was



Mrs. Elizabeth (Betty) Johnson



Mr. Richard H. Artis



J. A. (Jack) Johnson

greatly surprised. I talked it over with my husband and he advised me to accept the service. I knew nothing about being a juror but made up my mind that if chosen I would be fair to all concerned. When court convened on the morning of September 8, my name was among the first few drawn from the jury box and I was sent along with other jurors chosen to Judge Howard M. Findley's court where a murder trial was about to begin. Mr. Jack Johnson and Mr. R. H. Artis were also chosen on the panel and the three of us along with nine white people, one of whom was a very charming woman, qualified to serve as jurors on the case. *25 Wash.*

"When the jury was sworn we were not allowed to separate for the duration of the trial and for two nights we were kept in the courthouse dormitories. I slept in the women's dormitory with the woman juror and two women bailiffs who were very nice to us and I want to say that the place is the last word in comfort and elegance. The trial was very interesting and the opposing counsels were our own two Colored attorneys, Mr. Prim for the state and Mr. Stokes for the defense. I wish that every member of my race could have witnessed the legal talent displayed by both of them. *Northwest Inter-Press*

"I served on several others

juries, and several times I was the only colored person with the other eleven all white. I was treated at all times with such courtesy, kindness and consideration that all of those people endeared themselves to me. I would not trade my experience for anything. *Sp. H. Washington*

From Mr. Richard H. Artis, 2005 E. John, "I regard it the duty of every citizen to serve his or her community when called upon, myself no exception. They tell me that I am the first of my race ever elected foreman of a jury in the State of Washington. If that is true, I deem it an honor for which I am deeply grateful. I formed the acquaintance of many fine people on the several juries I was on and I hope that nothing will ever happen in the future to blot out the pleasant memory of the hours and days we passed together. *Nov. 11-12-47*

From Mr. J. A. (Jack) Johnson, 230 23rd. Ave. No. "I have served on juries several times before and the experience was not new to me. I was surprised and gratified this time to be twice elected foreman of juries in which the litigants were all white people and especially on one when all the jurors were white people except myself. It is inspiring to observe the fair and impartial manner in which jurors of King County perform their duties regardless of circumstances or who ever may be involved; and let no one tell you that you cannot get a square deal in the Superior Courts of King County. You will get just that, nothing more, nothing less and nothing different. The Judges are highly efficient, kind and sympathetic and every one of them would rather see a human being rehabilitated than punished. The Court bailiffs and Clerks are as polite and considerate as they can be." *25 Wash.*

Mr. William H. Quarels, 5425 Elleray Lane, said: "I have lived in Seattle only four years and I regard myself somewhat as a new comer. Naturally I was surprised to receive a call for jury service, but concluded if I am to live here I might as well take

an active interest in community affairs whenever the opportunity presents itself. I accepted and served and am happy for having had the opportunity."